

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12777 of 2016

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Smt. Tara Pandit wife of Shri Pandit Chandrika Prasad, resident of village+P.O. and P.S. Rajauli, District-Nawada (Bihar) and at present residing in Jyotipuram Colony Co-operative, Plot No. 54, House No. 85, P.S. Shastri Nagar, P.O.-B.V. College

.... Petitioner/s

Versus

1. The Managing Director, South Bihar Power Distribution Company Ltd., New Capital Division, Vidyut Bhawan, Bailey Road, Patna
2. The General Manager-cum-Chief Engineer, SBPDCL, New Capital Division, Patna
3. The Superintendnet SBPDCL New Capital Division, Patna
4. The Executive Engineer, SBPDCL New Capital Division, Patna
5. The Assistant Engineer, SBPDCL, Khajpura, P.S. Shastri Nagar, P.O. Asiana, District-Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Satya Ranjan Sinha
Mr. Ashok Nandan Prasad

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-12-2016

Heard Mr. Satya Ranjan Sinha, learned counsel appearing for the petitioner, Mr. Prakash Kumar for the State and Mr. S.N. Yadav for the intervener.

The petitioner prays for issuance of a writ in the nature of mandamus to command the authorities of the Distribution Company to provide her with an electrical connection. The petitioner claims to have purchased a house situated on Plot No. 54, House No. 85, Jyotipuram Colony Co-operative, P.S. Shastri Nagar in the town & district Patna.

The issue of purchase or whether the petitioner is a tenant in the house of one Ram Yatan Prasad is a subject matter of suit(s) instituted by the petitioner bearing Title Suit No. 20 of 2008 for



declaration of her right, title and interest over the property while on the other hand an eviction suit has been filed by the owner of the building Ram Yatan Prasad seeking eviction of the petitioner on the grounds of being defaulter in rent bearing Eviction Suit No. 16 of 2008. Meaning thereby that the claim made by the petitioner of being the house owner is disputed.

Admitted position though is that the petitioner is an occupant of the ground floor house, the details of which is given hereinabove and which had been provided with an electrical connection, the sub-meter of which, was fixed in the house of the petitioner as stated by her. Admitted fact also is that the electrical connection so provided in the house ran into arrears. Now while it is the submission of the intervener that it is the petitioner and one Jitendra Singh, another occupant in the house who are responsible for the arrears, the position is being disputed by Mr. Sinha appearing for the petitioner to submit that whatsoever was the dues towards electricity, has been cleared. As I have said this again leads to dispute.

In these disputed circumstances, now the petitioner by way of this writ petition seeks a direction to the respondent authorities to provide her with a fresh connection. The prayer of the petitioner cannot be accepted and the reasons are two fold.

- (a) The contest between the petitioner and the land owner who has come here as intervener is yet pending before the trial court for adjudication of the title.



(b) Clause 4.13 of the Bihar Electricity Supply Code, 2007 specifically provides a consumer to apply for fresh connection along with certain documents including a document of title or a document of tenancy.

Admitted position is that neither of the two documents are available rather while the petitioner claims to be the owner of the house she has no document to support her title and the matter is yet pending adjudication in the Civil Court. On the other hand it is the specific stand of the landlord that the petitioner was a tenant and the arrears are her responsibility.

In the circumstances discussed the only way in which the electricity connection can be restored in the building is, if the petitioner would make payment of the arrears dues toward electricity charges. Should the petitioner be willing to clear the past arrears, she should approach the authority concerned and deposit the same and whereupon the electricity connection would be restored but in the circumstances discussed no case for fresh connection is made out.

The writ petition is disposed of.

S.Sb/-

(Jyoti Saran, J)

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